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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kaushal Kurapati	Examiner:	Nathan A. Sloan
Serial No: 09/666,630	Art Unit:	2614
Filed: September 20, 2000	Docket:	US000240 (17008)
For: TELEVISION PROGRAM RECOMMENDER WITH AUTOMATIC IDENTIFICATION OF CHANGING VIEWER PREFERENCES	Dated:	May 13, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.131

Sir:

I, David Schaffer, hereby declare that:

1.   U.S. Patent Application No. 2003/0093792 A1 entitled "Method and Apparatus For Delivering Television Programs And Targeted De-Coupled Advertising" to Labeeb et al., (hereinafter "Labeeb") has been identified by the Examiner in an Office Action dated January 28, 2004 as a basis for rejecting pending Claims 1-32 in the Application. Labeeb was filed on June 27, 2001 and is based on U.S. Provisional Applications 60/215,450 filed on June 30, 2000 and 60/226,437 filed on August 18, 2000.

2.   As evidence of the completion of the above invention prior to the critical date of Labeeb, annexed hereto is Exhibit A. Exhibit A consists of a copy of a "Disclosure of Invention" document, dated prior to June 30, 2000, which was prepared based upon the invention in the Application. Dates have been redacted in preparation of this Exhibit.

3.   Exhibit A, the "Disclosure of Invention," discloses an invention that considers the viewing history of an individual in parts and generates multiple user profiles in response to the viewing histories. The invention considers sub-sets of the entire view history, wherein each sub-set is created by either taking a uniform random sampled sub-set of television shows from an entire view history or affiliating a sub-set to a time-span that is less than the entire time period that the view history spans.

4. The specification of the present application discloses at page 8, lines 10-25 and Figure 2, the processing of the viewing history of a system user. The invention considers the viewing history of an individual and generates multiple user profiles in response to the viewing histories. The invention establishes sub-sets of a user's entire view history, wherein each sub-set is created by either taking a uniform random sampled sub-set of television shows from an entire viewing history or affiliating a sub-set to a time-span that is less than the entire time period that the view history spans.

5. Exhibit A, the "Disclosure of Invention," discloses that for each sub-set of a view history the present invention builds a user-profile and generates recommendation scores using the present invention in conjunction with existing recommendation engine technology.

6. The specification of the present application discloses at page 8, lines 26-33, that for each sub-set of a view history the present invention builds a user-profile that corresponds to a particular time span. Further, the invention generates recommendation scores using the present invention in conjunction with existing recommendation engine technology.

7. Exhibit A, the "Disclosure of Invention," discloses the present invention "falls in the area of recommender systems." Further, Exhibit A states, "[t]his invention envisions a recommender framework which uses an existing recommendation engine."

8. The specification of the present application discloses at page 7, lines 28-33, discloses that the television program recommender used within the present invention may be embodied as any computing device or the television program recommender may be embodied as any television program recommender that is commercially available.

9. The recommender engine cited in Exhibit A, the "Disclosure of Invention," cites a recommender system that is similar in configuration to the physical configuration of recommender systems that are disclosed in the Assignee's issued patent and pending published patent applications, examples of the patent and published applications are as follows:

US Patent No. 6,727,914 issued to Gutta

US Patent Application 20030229896 for Buczak

US Patent Application 20030229895 for Jasinschi, et al.

US Patent Application 20030208755 for Zimmerman

US Patent Application 20030066068 for Gutta, et al.

US Patent Application 20030066067 for Gutta, et al.

US Patent Application 20030061183 for Schaffer, et al.

US Patent Application 20030051240 for Schaffer, et al.

8. The present invention is drawn to the inventive field of television recommender engine systems. It is inherent to the nature of the invention that it is a special purpose program that can be implemented with hardware technology that one of ordinary skill
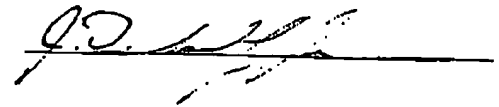
in the art could reduce to practice without the exercise of extensive experimentation or the exercise of inventive skill.

10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: __2004 - 6 - 9__

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Serial No:	09/666,630	**Art Unit:**	2614
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For: TELEVISION PROGRAM RECOMMENDER
WITH AUTOMATIC IDENTIFICATION OF
CHANGING VIEWER PREFERENCES

Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. §1.131

Sir:

I, Gregory L. Thorne, hereby declare that:

1. I am an Attorney registered to practice before the US Patent and Trademark
Office and an employee of the Assignee of U.S. Patent Application Serial No. 09/666,630 filed
September 20, 2003 ("the Application").

2. U.S. Patent Application No. 2003/0093792 A1 entitled "Method and Apparatus
For Delivering Television Programs And Targeted De-Coupled Advertising" to Labeeb et al.,
(hereinafter "Labeeb") has been identified by the Examiner in Office Actions dated August 14,
2003 and January 28, 2004 as a basis for rejecting pending Claims 1-32 in the Application.
Labeeb was filed on June 27, 2001 and is based on U.S. Provisional Applications 60/215,450
filed on June 30, 2000 and 60/226,437 filed on August 18, 2000.

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3. The invention disclosed and claimed in the Application was completed in the United States, by the inventor prior to the earliest filing of the Labeeb reference, i.e., June 30, 2000.

4. As evidence of the completion of the above invention prior to the critical date of Labeeb, annexed hereto is Exhibit A. Exhibit A consists of a copy of a "Disclosure of Invention" document, dated prior to June 30, 2000, which was prepared based upon the invention in the Application. Dates have been redacted in preparation of this Exhibit.

5. The present application was filed (constructively reduced to practice) within a period beginning prior to the filing date of the Labeeb reference and ending with the filing of the present application.

6. During the significant time period (e.g. prior to the June 30, 2000 priority date of Labeeb);
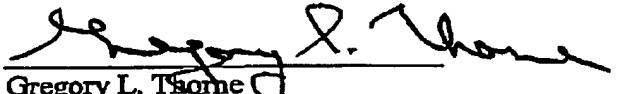
a)   On June 21, 2000, the disclosure file was sent to the law firm of Ryan, Mason & Lewis, LLP for review and preparation of a patent application.

b)   In the period between June 21, 2000 and July 10, 2000, the disclosure file was assigned to Kevin Mason from the firm Ryan, Mason & Lewis, LLP, Kevin Mason contacted the lead inventor to confirm that there was no upcoming bar activity, setup an appointment for an in-person interview with the inventor Kaushal Kurapati to discuss the invention, and established a schedule for preparation of the patent application in the normal course of business.

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c) On July 10, 2000, Kevin M. Mason had an in-person interview with the inventor Kaushal Kurapati in Briarcliff to discuss the invention including known prior art.

d) During the period of July 11, 2000 - July 25, 2000 and in the normal course of business, Kaushal Kurapati reviewed the known prior art in preparation for providing comments to Kevin Mason.

e) On July 26, 2000, Kaushal Kurapati provided analysis of search results (e.g. known prior art) to Kevin M. Mason.

f) In the period between July 27, 2000 and the week of August 14, 2000, Kevin Mason reviewed the analysis of search results provided by Kaushal Kurapati and also worked on other matters that were scheduled for this time period.

g) In accordance with the established schedule for preparation of the patent application, during the week of August 14, 2000, Kevin M. Mason started drafting the specification of the patent application and had telephone interviews with Kaushal Kurapati.

h) On the immediately following week of August 21, 2000, Kevin M. Mason sent a first draft to Kaushal Kurapati by e-mail.

i) From receipt of the first draft and up to August 30, 2000, Kaushal Kurapati reviewed the first draft in the course of other work matters.

j) On August 30, 2000, Kaushal Kurapati sent comments on the first draft to Kevin M. Mason .

k) On August 31, 2000, Kevin M. Mason revised the draft and sent the draft to the inventor.

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l)   During the period between August 31, 2000 and September 5, 2000, Kaushal
        Kurapati reviewed the revised draft in the course of other work matters.

m)   On September 5, 2000, Kevin M. Mason received approval of the revised draft
        from Kaushal Kurapati to file the patent application - including the revised draft.

n)   On September 6, 2000, Kevin M. Mason sent the revised draft as the final version
        of the patent application to me for filing.

o)   During the period between September 6, 2000 and September 20, 2000, I
        reviewed the revised draft application and decided the revised draft application
        was in suitable condition for filing in the course of other work matters.

p)   On September 20, 2000, I filed the patent application with the USPTO —
        including the revised draft.

7. I further declare that all statements made herein of my own knowledge are true
and that all statements made on information and belief are believed to be true; and further that
these statements were made with the knowledge that willful false statements and the like so
made are punishable by fine or imprisonment, or both under § 1001 of Title 18 of the United
States Code and that such willful false statements may jeopardize the validity of the application
or any patent issued thereon.

Date: _____   _____
                                                 Gregory L. Thorne

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